



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ELBERT L. EPPS a/k/a ELBERT LEE EPPS, §
Plaintiff, §

vs. §

SGT. MS. WILLIAMS, §
Defendant. §

CIVIL ACTION NO. 6:16-03400-MGL

ORDER ADOPTING REPORT AND RECOMMENDATION,
AND GRANTING DEFENDANT'S AMENDED MOTION FOR SUMMARY JUDGMENT

This case was brought under 42 U.S.C. § 1983. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendant's amended motion for summary judgment, ECF No. 41, be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the Court

need not conduct a de novo review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The court reviews only for clear error in the absence of a specific objection. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Furthermore, in the absence of specific objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *See Diamond*, 416 F.3d at 315; *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

The Magistrate Judge filed the Report on November 2, 2017, ECF No. 51, and the Clerk of Court entered Plaintiff’s objections to the Report on November 14, 2017, ECF No. 53. After review of the record in this matter, including the pleadings, the Report, Plaintiff’s objections, and the applicable law, the Court agrees with the Magistrate Judge’s well-reasoned analysis and recommendation. The Court further holds Plaintiff’s objections are non-specific, and unrelated to the dispositive portions of the Magistrate Judge’s Report. The Court also holds Plaintiff’s objections fail to raise any legally meritorious issues in opposition to the Report, and Plaintiff’s objections are thus without merit.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff’s objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court Defendant’s amended motion for summary judgment, ECF No. 41, is **GRANTED**, and this matter is **DISMISSED**, without prejudice.

IT IS SO ORDERED.

Signed this 20th day of November, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.